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EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT

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3691

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/432,811	Applicant(s) FELGER, DAVID	
	Examiner Kelly Campen	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on interview 12/12/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 200-240 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 200-232 and 234-240 is/are rejected.
- 7) ☒ Claim(s) 233 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

SUPPLEMENTAL DETAILED ACTION

The prior action dated 10/22/2007 has been withdrawn and is replaced by the following detailed action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 200-240 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 5898780) in view of Pollin (US 5504677).

Liu discloses a method for performing a transaction using a communication network(abstract), comprising: receiving a request issued by a communication device of a user making the request, via the communication network, to perform a requested transaction; (see col. 7, lines 7-46); However, Liu fails to disclose communicating with a system to determine whether the user is included in a database that represents a list of users having negative information ; and issuing a block signal to block communication with the communication device when the negative database indicates that the user is included in the list of users having negative information.

Pollin discloses using a negative database and inherently issuing a block signal to block communication with the device when the negative database indicates (see col. 12 lines 15-36).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the transaction system of Liu the ability to use a negative database and block the communication as taught by Pollin since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Specifically as to claim 201, Liu discloses a method for controlling access to a requested transaction (abstract) where requesting billing information associated with the user when the received information associated with the user passes the comparison with the data stored in the database; (col. 1, In. 49-63; col. 3, In. 32-67); and performing the requested transaction after the requested billing information is received (see col. 1, In. 49-63; col. 3, In. 32-67)

Specifically as to claim 225, Liu discloses a method for controlling access to a service (abstract), comprising: receiving a request from a user to establish a communication between the user and the service (see col. 1, In. 49-63; col. 3, In. 32-67); receiving information associated with the user (see col. 1, In. 49-63; col. 3, In. 32-67); accessing a database (see col. 1, In. 49-63; col. 3, In. 32-67); comparing the received information associated with the user with information stored in the database (col. 1, In. 49-63; col. 3, In. 32-67) (authorizing); requesting billing information associated with the user when the received information associated with the user passes the comparison with the information stored in the database (col. 1, In. 49-63; col. 3, In. 32-67); and establishing the communication between the user and the service after the requested billing information associated with the caller is received (col. 1, In. 49-63; col. 3, In. 32-67).

Specifically as to claim 202, billing a cost associated with the requested transaction after

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completion of the requested transaction col. 1, In. 49-63; col. 3, In. 32-67.

Specifically as to claim 203, issuing a block signal to block completion of the requested transaction when the comparing indicates that the user has negative information .

Specifically as to claim 204, wherein issuing a block signal comprises permanently blocking completion of the requested transaction.

Specifically as to claim 205, further comprises advising the user of the permanent block.

Specifically as to claim 206, wherein issuing a block signal comprises issuing a limited block that prevents completion of the requested transaction until predetermined criteria has been satisfied (see Pollin see col. 12 lines 15-36).

Specifically as to claim 207, wherein issuing a block signal comprises temporarily blocking completion of the requested transaction (see Pollin see col. 12 lines 15-36).

Specifically as to claim 208, wherein the requested transaction is temporarily blocked when the user can not be identified (see Pollin see col. 12 lines 15-36).

Specifically as to claim 209, wherein the negative information comprises at least one of previously refusing payment for a prior transaction and disputing a prior charge for a prior transaction (see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 210, wherein the negative information comprises issuing a negotiable instrument with insufficient funds (see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 211, determining a transaction limit of the user when the database indicates that the user is not included in the list of users having negative information; and issuing an approval signal to enable continued processing of the requested transaction when a cost for the requested transaction does not exceed the determined transaction limit (see Pollin see

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col. 12 lines 15-36 and fig 1).

Specifically as to claim 212, wherein the determined transaction limit comprises a maximum sale amount permitted within a predetermined period of time see Liu col 1, 3-7).

Specifically as to claim 213, wherein the information associated with the user comprises an identity of the user (see Liu col 1, 3, 7).

Specifically as to claim 214, wherein determining a transaction limit of the user comprises consulting at least one of an automatic number identification database, a credit agency database, a credit card report bureau database, a banking institution database, and a check approval service database (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 215, obtaining authorization approval of the billing information prior to performing the requested transaction See Liu citation above).

Specifically as to claim 216, wherein obtaining approval comprises contacting a credit agency (see Liu citation above).

Specifically as to claim 217, issuing an approval signal to enable performing the requested transaction when the user does not have negative information, and a cost for the requested transaction is determined to not exceed a predetermined credit limit for the user; and issuing a temporary block signal to temporarily block completion of the requested transaction when the user does not have negative information, but the cost for the requested transaction is determined to exceed the predetermined credit limit for the user (see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 218, providing the user with an opportunity to take corrective action to enable removal of the temporary block and continue performing the requested transaction (see

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Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 219, wherein the corrective action comprises having the user make a payment (see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 220, wherein the database indicates which of the list of users disputed a transaction (see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 221, wherein the negative information comprises an identity of at least one institution(see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 222, wherein the at least one institution comprises at least one of a school, a pay telephone, a government facility, a correctional institution, a hospital, and a selected commercial establishment(see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 223, wherein the negative information comprises an identity of at least one communication device(see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 224, wherein the at least one communication device comprises at least one of a cellular telephone, a PBX telephone system, and a pay telephone(see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 226, billing a cost associated with the communication after completion of the communication(see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 227, issuing a block signal to block establishment of the communication when the comparing indicates that the user has negative information(see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 228, wherein issuing a block signal comprises permanently blocking establishment of the communication(see Pollin see col. 12 lines 15-36 and fig 1)..

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Specifically as to claim 229, wherein issuing a block signal comprises issuing a limited block that prevents establishment of the communication until predetermined criteria has been satisfied(see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 230, wherein issuing a block signal comprises temporarily blocking establishment of the communication(see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 231, wherein establishment of the communication is temporarily blocked when the user can not be identified(see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 232, further comprising: determining a transaction limit of the user when the user passes the comparison (see col. 16, lines 13-20) (specific limit); and issuing an approval signal to establish the communication when a cost for the communication does not exceed the determined transaction limit (see col. 16, lines 25-35, and col. 17, lines 13-25 and lines 26-35).

Specifically as to claim 234, wherein the database further includes an indication of whether the user previously disputed a service-based transaction (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1)..

Specifically as to claim 235, wherein establishing the communication comprises establishing the communication between the user and a value-added service(see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 236, wherein the requested service is performed by a service bureau (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 237, wherein the service bureau comprises an entertainment establishment (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1).

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Specifically as to claim 238, wherein the entertainment establishment comprises a psychic reading (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 239, wherein the entertainment establishment comprises adult entertainment (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1).

Specifically as to claim 240, wherein the entertainment establishment comprises gambling (see Liu cols 1-7 and see Pollin see col. 12 lines 15-36 and fig 1).

Allowable Subject Matter

Claim 233 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner's Note

Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

Applicant's arguments with respect to claims 200-240 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see remarks pages 11-12, filed 1/22/2007, with respect to the rejection(s) of claim(s) 175,176,178-187,190-197,199 under 35 USC 102(e) over Joao et al. US 6047270 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Liu in view of Pollin

Applicant's arguments, see page 11 of the remarks, filed 1/22/2007, with respect to claims 175-199 under 35 USC 101 have been fully considered and are persuasive. The 35 USC 101 rejection of 4/21/2006 has been withdrawn.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCausland et al. (US 5822410) disclose a churn amelioration system and method. Pollin et al. disclose several automated payment systems and systems for making a payment from a financial account.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY CAMPEN whose telephone number is (571)272-6740. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kelly S. Campen/
Examiner
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